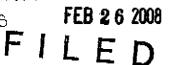
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## NORTHERN DISTRICT OF ILLINOIS



EASTERN DIVISION

U.S. ex rel. Theodore Luczah	FEB <b>2 6</b> 2008
PETITIONER.	MICHAEL W. DOBBINS
	GLERK, U.S. DISTRICT COURT
. VS.	Case No. 07 C 6375
•	Honorobla

Terry McCann <u>Ronald A. Guzman</u> Judge Presiding RESPONDENT.

> MOTION FOR APPOINTMENT OF COUNSEL OR AN ALTERNATIVE

Now comes petitioner. Theodore Luczak. pro-se: respectfully moving this Honorable Court, pursuant to the authorizing Federal Rule or Statute: allowing the appointment of counsel, or in the alternative a count order affording petitioner adequate access to the facilities law library and adequate and meaningfull. access to legal materials, that are essential to the drafting of his arguments to be presented to the court for review.

In support of this motion, petitioner states as follows:

1) That petitioner is currently incorcerated within the Illinois Department of Corrections, at the Stateville facility: located at Route 53. Post Office Box 112 Joliet. Illinois 60434

- (2) That on November 9, 2007, the petitioner's Hobeas Corpus petition was filed, and was assigned to the Honorable Ronald A. Guzman and case number 07C 6375.
- (3) That on February 4, 2008. Honorable Guzman.

  granted petitioner leave to proceed in forma pauperis.

  ordering the Respondent to answer or plead within

  twenty days of his order.
- (4) That on, or about, August 20, 2007, the petitioner Filed a civil rights action in the United States District Court, Northern District of Illinois, for a violation of his right of access to courts. 07C3722
- (5) That on August 30, 2007, Honorable Matthew F.
  Hennelly, granted petitioner in part: leave to proceed in forma pauperis under case number 07:23722, but denied petitioner's claim for denial of access to courts: only due to three(3) prior strikes under the Prison Litigation Reform Act. (See Exhibit #1)
- (b) That in the past year, the petitioner has only been allowed access to the facilities law library two (2) times, and at such times, petitioner was only afforeded the use of out dated law books.
- 7) That only due to the assistance of Marsha Watt. an Assistant Public Defender, of the Cook County Public

- Defender's Office: was this petitioner able to obtain
  the authority to support his claims now pending before
  this Honorable Court, and the maps to support the
  petitioner's request for Judicial Notice of the IndianaIllinois State Border. (See Exhibit \*2)
- (8) That on, or about, February 14, 2008, petitioner filed a Memorandum in support of his motion to reconsider the order entered by Honorable Matthew F. Kennelly, in relation to petitioner's denial of access to courts; concerning case number O7C 3722. (See Exhibit \*3)
- (9) That without the appointment of counsel, the petitioner will essentially be further denied his constitutional rights to adequately present evidence (supporting documents) because the prison officials have denied this petitioner access to the law library, and have illegaly confiscated and destroyed most of petitioner's documents in relation to his criminal appeal, and Marsha Watt, of the Cook County Public Defenders office: is currently in the process of obtaining the documents. (See Exhibit "4) and the petitioner is in the process of settling a claim; so he may pay the filing fee of refiling his claim of denial of access to courts. (See Exhibit "5)
- (10) That exhibit #3, clearly demonstrates just how effective the Respondent is; in denying the petitioner his right to adequate and meaningfull access to courts.

WHEREFORE, petitioner prays that this court will either appoint counsel, or in the alternative enter an order allowing petitioner access to the facilities law library, and to up-dated law books.

Dated: February 20,2008. 1SH Readow Jusy Theodore Luczak
Reg No. B-00780